

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY B. THOMPSON,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. 2:22-cv-01575-RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge Michelle L. Peterson. Dkt. 7. The Court has considered the Report and Recommendation (Dkt. 7), pleadings filed by the Plaintiff on January 5, 2023 (Dkt. 8), and the file herein.

On November 3, 2022, the Plaintiff filed a series of documents which indicated that he intended to challenge Washington's assault statute, RCW 9A.36. Dkt. 1. He asks the Clerk of this Court to certify a question to the Washington State Supreme Court. *Id.* On December 28, 2022, the Report and Recommendation was filed. Dkt. 7. It notes that the Plaintiff was informed that he needed to either pay the filing fee or apply to proceed *in forma pauperis*

1 (“IFP”). *Id.* The Plaintiff has not done either and so the Report and Recommendation
2 recommends that the case be dismissed without prejudice. *Id.*

3 On January 5, 2023, the Plaintiff filed a series of documents, including a pleading entitled
4 “Legal Copy/Scan Request & Additional Indigent Postage,” which appears to be a Department of
5 Corrections form. Dkt. 8 at 1. He filed a “Final Notice,” and “A Security (15 U.S.C.) Claim of
6 Commercial Lien and Affidavit.” *Id.* at 3-6. In the Notice, the Plaintiff asserts that he will
7 “pursue criminal prosecution and file the enclosed commercial lien” against the Clerk of the
8 Court and the judges involved in the case if they do not “cure the default/correct the process.”
9 Dkt. 8 at 3. He filed a document entitled “Agreement,” purporting to “accord to” the Plaintiff
10 rights under various laws. Dkt. 8 at 7-8. The Plaintiff also sent the Clerk of the Court’s office a
11 pleading entitled “Freedom of Information Act Request for Investigation for Forfeiture of Bond”
12 which is being separately addressed by the Clerk of the Court.

13 The Report and Recommendation (Dkt. 7) should be adopted. The January 5, 2023
14 pleadings filed by the Plaintiff do not provide a basis to not adopt the Report and
15 Recommendation. The Plaintiff has not paid the filing fee or applied to proceed IFP. He has
16 been given an opportunity to address this filing deficiency and has failed to do so. The case
17 should be dismissed without prejudice.

18 **ORDER**

19 Therefore, it is hereby **ORDERED** that:

- 20 • The Report and Recommendation (Dkt. 7) **IS ADOPTED**; and
- 21 • This case **IS DISMISSED WITHOUT PREJUDICE**.

22 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
23 to any party appearing *pro se* at said party’s last known address.

1 Dated this 23rd day of January, 2023.

2 

3 ROBERT J. BRYAN
4 United States District Judge